

Dallin W. Jensen
Assistant Attorney General
Attorney for State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114
Telephone (801) 533-6071

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL)
DETERMINATION OF ALL THE) O R D E R
RIGHTS TO THE USE OF WATER,) - - - - -
BOTH SURFACE AND UNDERGROUND,)
WITHIN THE DRAINAGE AREA OF) Civil No. 3070
THE UINTAH BASIN IN UTAH.)

Pursuant to the Motion of the State Engineer dated July 15, 1976, requesting that the water of the Duchesne River System be distributed on an amended duty schedule for the remainder of the 1976 irrigation season, and good cause appearing therefore, it is hereby

ORDERED that when the flow of the Duchesne River recedes to a point that it is necessary to place the River on a duty schedule for the remainder of the 1976 irrigation season, the waters of the Duchesne River System be distributed to all irrigation users in accordance with the following duty schedule:

<u>Total Divertable Flow in c.f.s.</u>	<u>Duty</u>
651 and above	1 c.f.s. to 70 acres
650 - 590	1 c.f.s. to 75 acres
589 - 460	1 c.f.s. to 80 acres
459 - 370	1 c.f.s. to 100 acres
369 and below	1 c.f.s. to 120 acres

Water shall only be delivered to land that is actually being irrigated during the 1976 irrigation season, and water shall not be delivered on the basis of the flow set forth in applications, certificates or other documents evidencing a water right. It is the intention of this Court to limit irrigation uses to those where the water is actually being beneficially used. It is further

ORDERED that when the flow of the River decreases to the point

it will not supply all valid water rights in accordance with the above duty schedule, the Water Commissioner is directed to curtail the use of water in inverse order of priority of rights, so that the latest priority rights will be denied the use of water first. The Water Commissioner is ordered and directed to take all steps necessary to assure that no wasteful practices are maintained. It is further

ORDERED that all water users shall install and maintain adequate measuring devices and control structures to allow the Water Commissioner to properly distribute the waters of the Duchesne River System.

This Order is made and entered without prejudice to the claims or assertions of any of the parties in any subsequent proceedings in this action, and does not constitute a final determination by this Court of duty of water from the Duchesne River System. Further, this Order is only to govern the distribution of water in the Duchesne River System for the remainder of the 1976 irrigation season, and the Court will further consider this matter prior to the beginning of the 1977 irrigation season. However, if any user believes that he is suffering undue hardship in the terms of this Order, he may petition this Court to further hearing at any time, subject only to giving reasonable notice to all counsel involved.

Dated this 15th day of July, 1976.

Maurice Harding
DISTRICT JUDGE

CERTIFICATE OF MAILING

This is to certify that true and correct copies of the foregoing Order were mailed to the following listed attorneys this 16th day of July, 1976:

Mr. John Boyden
Boyden & Kennedy
10th Floor Kennecott Building
10 East South Temple Street
Salt Lake City, Utah 84111

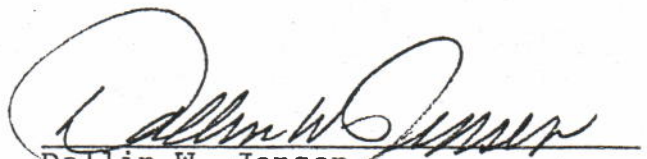
Mr. Hugh Colton
55 East Main Street
Vernal, Utah 84078

Mr. James B. Lee
Parsons, Behle & Latimer
P.O. Box 11898
Salt Lake City, Utah 84111

Mr. Edward W. Clyde
Clyde & Pratt
351 South State Street
Salt Lake City, Utah 84111

Mr. William R. McConkie
6201 Federal Building
125 South State Street
Salt Lake City, Utah 84111

Mr. Joseph Novak
520 Continental Bank Building
Salt Lake City, Utah 84101



Dallin W. Jensen
Assistant Attorney General
Attorney for State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114